<center>**Remarks**</center>

The above Amendments and these Remarks are in reply to the Final Office Action mailed July 24, 2008.

I.   Summary of Examiner's Rejections

Prior to the Final Office Action mailed July 24, 2008, Claims 1-28, 45-51 and 60-67 were pending in the Application. In the Final Office Action, Claims 1-28, 45-51 and 60-67were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 1, 3-9, 11-15, 17-23, 25-28, 45-51, 60-61, 63-65 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heiner (U.S. Patent No. 6,112,227) in view of Kirsch (U.S. Patent No. 6,546,416).

II.   Summary of Applicants' Amendment

The present Response amends Claims 1, 7, 15, 21 and 46; and adds new Claims 68-69, leaving for the Examiner's present consideration Claims 1-28, 45-51 and 60-69. Reconsideration of the Application, as amended, is respectfully requested. Applicants respectfully reserve the right to prosecute any originally presented or canceled claims in a continuing or future application.

III.   Interview Summary

Applicants thank the Examiner for the courtesy of an interview conducted on October 23, 2008, during the course of which, the amendments to Claim 1 and the cited references were discussed. The participants in the interview agreed that the proposed amendments, as shown above, would overcome the cited references (Heiner and Kirsch) and that a further search would be performed. Accordingly, the present Response hereby amends the claims and presents the remarks, as discussed during the interview.

IV.   Claim Rejections under 35 U.S.C. § 112

In the Final Office Action, Claims 1-28, 45-51 and 60-67were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which the Applicants regard as the invention. More specifically, the limitations "checking for the token containing the petition *in the recipient*" and "searching *in the recipient*" were rejected as unclear because a petition should be found in something that the recipient controls, not the actual recipient.

The present Response hereby amends Claims 1, 7, 15, 21 and 45 so as to more clearly define the embodiments therein. Applicants respectfully submit that as amended, these claims now comply with the requirements of 35 U.S.C. §112, second paragraph, and reconsideration thereof is respectfully requested.

V.   Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 3-9, 11-15, 17-23, 25-28, 45-51, 60-61, 63-65 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heiner (U.S. Patent No. 6,112,227, hereinafter Heiner) in view of Kirsch (U.S. Patent No. 6,546,416, hereinafter Kirsch).

Claim 1

Claim 1 has been amended to more clearly define the embodiment therein. As amended, Claim 1 defines:

> 1.   *A method for modifying mail filters associated with a user of a mail system, the method comprising:*
> *receiving a subscription request from a recipient to a sender, the subscription request including user information, wherein the subscription request is received as part of a web browser interaction before sending electronic mail between the sender and the recipient and wherein the subscription request is initiated by the recipient;*
> *generating a petition by the sender based on the user information, the petition comprising a request for the sender to be added to a list of approved mail senders, the list associated with the user;*
> *transmitting a token containing the petition from the sender to a~ the recipient as a result of the subscription request and storing said token at a computing device where the recipient resides, wherein the petition is transmitted during said web browser interaction before sending electronic mail between the sender and the recipient;*
> *receiving a login request from the user to the mail system;*
> *checking for the token containing the petition in the computing device where said recipient resides;*
> *processing said token containing the petition if the token is found in on the computing device where the recipient resides and modifying the mail*

> *filters associated with the user by adding the sender to the list of approved mail senders as specified in the petition; and*
>
> *transmitting an electronic mail message from the sender to the recipient and allowing the recipient to receive the electronic mail message from the sender as specified in the petition.*

As amended, Claim 1 defines a method for modifying electronic mail filters by using a petition. This petition is used to allow a potential sender to add itself to the access list (white list) of the recipient. The petition is created when the future email recipient submits a subscription request to the sender. This subscription request is performed as part of a standard web browser-based interaction before any emails are exchanged between the sender and the recipient. For example, the subscription request may be received when the recipient is making an online purchase or signing up for an electronic newsletter, etc.

When the potential sender receives the subscription request, it generates an electronic petition. This petition is transmitted as a token to the recipient's web browser as part of an interaction between the recipient's web browser and the sender's website. Once the recipient receives the token, it is stored at the recipient's computer.

Thereafter, when the recipient user logs into the email system, the petition processor checks the recipient's computer for the token containing the petition. If the token is found, the petition processor will process the petition and, if it is acceptable, the mail filters on the recipient will be modified to add the sender.

After these steps have been completed, an email message can be sent from the sender to the recipient. If the petition was successful, the sender will have been added to the recipient's white list and the email will be allowed to be received.

The advantages of claim 1 provide the ability to avoid legitimate email getting caught in the junk-mail filters of the recipient mail system. For example, often legitimate email is sent by an automated system. However, unless the user manually adds the sender to their "white list", the mail may be caught in the junk mail filter since many junk mail filters block against automated systems. The petition defined in claim 1 thus allows the sender to automatically add itself to the recipient's white list as a part of a standard web browser interaction, without having to exchange any emails or answer any challenge/response mechanisms.

The Heiner reference teaches a method for preventing the delivery of unwanted email messages. More specifically, Heiner describes a method that receives an original email message

and then sends a reply email that requests the source client to complete a registration process. Only when this registration process is completed, is the email actually delivered. Thus, Heiner appears to teach that if the email message was "produced by a robotic delivery program, the destination SMTP server will never receive a response to its reply message" and thus the email will be presumably treated as junk mail (Heiner, col. 3, lines 39-55).

The Kirsch reference teaches a spam control technique by selectively blocking delivery of bulk electronic mail. More specifically, Kirsch appears to use a challenge/response method to verify emails. When an email is received from an unverified source, the system generates a challenge email along with a key and sends the challenge to the unverified address. The system then detects whether the response to the challenge email that is received from the source address contains the proper response key. As a result of this email exchange, the system may record the source address in a verified source address list (Kirsch, col. 3, lines 43-67).

However, Applicants respectfully submit that Heiner in combination with Kirsch fail to disclose the features of Claim 1, as amended.

Heiner and Kirsch fail to disclose receiving a subscription request and generating a petition *as part of a web browser interaction and before sending any electronic mail* between the sender and the recipient, as defined in amended Claim 1. Both in Heiner and in Kirsch, all of the verifications appear to be performed after a first email message has been sent from the sender to the recipient. (For example, see "an original electronic mail message is first received from a source client to a destination server. Next, a reply electronic mail message is sent…" (Heiner, Abstract). Also see "email message is validated… by preparing, in response to the receipt of a predetermined email message from an unverified source address…" (Kirsch, Abstract).

Therefore, both Heiner and Kirsch describe a challenge/response type of mechanism that performs certain verifying steps after an email message is received. In contrast, Claim 1 specifically defines that the subscription request and the petition are sent as part of a web browser interaction, and this is performed before any emails are sent. Since the petition is not sent via SMTP protocol, it can avoid any junk mail filters or other mechanisms that may block its transmission. Also, since the petition is web browser-based, the user need not have the email system up and running at that particular moment in order to update their access list.

Furthermore, Heiner and Kirsch fail to disclose that the subscription request is initiated by the recipient of the email (as opposed to the sender), as defined in amended Claim 1. Both

Heiner and Kirsch describe systems where the sender initiates communications (by sending an email). In contrast, in Claim 1, it is the recipient of the email that initiates the communications. Thus, after submitting a subscription request, the recipient will receive the petition in response, which is stored as a token on the recipient's computer. This token will be read and processed when the recipient logs into his/her email system, at which point the access list will be updated if the petition is valid.

In addition, there are some fundamental differences between the problems being solved by Claim 1 and those described in Heiner/Kirsch. Both Heiner and Kirsch describe ways to reduce unwanted email. Therefore, both Heiner and Kirsch essentially describe junk mail filters. In contrast, Claim 1 addresses the issue of *avoiding the junk mail filters* by legitimate email which may otherwise be unintentionally caught in it. Therefore, rather than trying to reduce unwanted email, Claim 1 is instead directed to ensuring that wanted email is not caught by the junk mail filter.

In view of the above comments and amendments, Applicants respectfully submit that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 7, 15, 21 and 45

Claims 7, 15, 21 and 45 while independently patentable, recite limitations that, similarly to those described above with respect to claim 1 are not taught, suggested nor otherwise rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

Claims 2-6, 8-14, 16-20, 22-28, 46-51 and 60-67

Claims 2-6, 8-14, 16-20, 22-28, 46-51 and 60-67 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicants respectfully submit that Claims 2-6, 8-14, 16-20, 22-28, 46-51 and 60-67 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicants respectfully reserve the right to argue these limitations should it become necessary in the future.

VI.   Additional Amendments

The present Response adds new dependent Claims 68-69. New Claims 68-69 are fully supported by the Specification as originally filed and no new matter is being added. Applicants respectfully submit that Claims 68-69 are allowable over the cited references of record and consideration thereof is respectfully requested.

VII.   Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: __October 24, 2008__   By: ___/Justas Geringson/_____
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